

REMARKS

By this Amendment, claims 1, 8, 9 and 10 have been amended, and new claim 20 has been added. No new matter has been added. Additionally, claims 7, 12 and 17 have been canceled without prejudice or disclaimer. Applicant reserves the right to pursue claims 7, 12 and 17 in a divisional or continuation application. Accordingly, claims 1-6, 8-11, 13-16 and 18-20 are now pending in the present application.

As a preliminary matter, in the Advisory Action dated July 16, 2010, the Examiner asserts that the phrase “is configured to provide a spray” is narrative in form and therefore does not hold any patentable weight. Applicant respectfully disagrees.

Applicant submits that the phrase “is configured to provide a spray” has real meaning in terms of the physical construction of the dispensing orifice (45), and a person of ordinary skill in the art would readily understand that meaning. For example, a person of ordinary skill in the art would readily understand that there is a structural difference between an orifice that is configured to produce a spray, and one that is not configured to produce a spray. The Examiner does not provide any reason why a person of ordinary skill in the art would not recognize this structural difference. Accordingly, Applicant respectfully requests the Examiner to give patentable weight to all features recited in the claims. Claim 1 has been amended to further describe this structural aspect of the dispensing orifice.

I. Drawings

The drawings are objected to under 37 CFR 1.83(a) for allegedly not showing all the features recited in claim 12. Claim 12 has been canceled. Accordingly, Applicant submits the rejection is moot and respectfully requests the Examiner to withdraw the objection.

II. Claim Rejections - 35 U.S.C. § 112

Claims 9-13 and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully requests the Examiner to withdraw the rejection in view of the self-explanatory claim amendments made herein.

III. Claim Rejections - 35 U.S.C. § 102

In view of Fuchs

Claims 1, 3, 7-9 and 15-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fuchs (US 6,209,760). Claim 1 has been amended to incorporate the features of claims 7 and 17. Accordingly, Applicant traverses the rejection based on the following comments.

Claim 1, as amended, recites:

Pump for dispensing fluid products comprising a pump body (10), a pump chamber (20) is formed inside said pump body (10), at least one piston (72) sliding in said pump chamber (20) to dispense the fluid product, a dispensing head (40) including a dispensing orifice (45), and a shutter (38) interacting with said dispensing orifice (45), said shutter (38) being movable and/or deformable between a closed position of the dispensing orifice (45) and an open position of the dispensing orifice (45), said shutter (38) being elastically driven to its closed position, wherein the pump comprises only one elastic element (50) adapted for bringing said at least one piston (72) back to its rest position after actuation and for driving said shutter (38) to its closed position, and in that said pump body (10) is embodied in one piece with said shutter (38), and

wherein the dispensing orifice (45) is structurally configured to provide a spray such that the dispensing orifice (45) receives the fluid product and converts the fluid product into the spray when dispensing the fluid product.

Applicant submits that the features of claim 17, now recited in claim 1, are not disclosed or fairly suggested by Fuchs. Specifically, Fuchs does not disclose “a pump chamber (20) is formed inside said pump body (10),” as recited in claim 1.

In the Office Action, the Examiner asserts that Fuchs' core body 30 and pressure chamber 21 correspond to the claimed pump body and claimed pump chamber. However, FIG. 1 of Fuchs clearly shows that the pressure chamber 21 is disposed **outside** the core body 30. Accordingly, Fuchs does not disclose "a pump chamber (20) is formed inside said pump body (10)," as recited in claim 1.

In the Advisory Action dated July 16, 2010, the Examiner indicates that the inclusion of "a pump chamber is formed inside a pump body" would overcome the § 102 rejection in view of Fuchs (US 6,209,760).

Applicant submits that claim 1 is patentable for at least the above reasons.

In view of Corsette

Claims 1-3, 5-9, 14-15 and 17-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Corsette (US 4,640,443). Claim 1 has been amended to incorporate the features of claims 7 and 17. Applicant traverses the rejection based on the following comments.

Claim 1, as amended, recites:

Pump for dispensing fluid products comprising a pump body (10), a pump chamber (20) is formed inside said pump body (10), at least one piston (72) sliding in said pump chamber (20) to dispense the fluid product, a dispensing head (40) including a dispensing orifice (45), and a shutter (38) interacting with said dispensing orifice (45), said shutter (38) being movable and/or deformable between a closed position of the dispensing orifice (45) and an open position of the dispensing orifice (45), said shutter (38) being elastically driven to its closed position, wherein the pump comprises only one elastic element (50) adapted for bringing said at least one piston (72) back to its rest position after actuation and for driving said shutter (38) to its closed position, and in that said pump body (10) is embodied in one piece with said shutter (38), and

wherein the dispensing orifice (45) is structurally configured to provide a spray such that the dispensing orifice (45) receives the fluid product and converts the fluid product into the spray when dispensing the fluid product.

In the rejection to claim 1, the Examiner asserts that the discharge passage 42 of Corsette corresponds to the claimed dispensing orifice. This position is further asserted in the Response to Arguments section of the Office Action. However, Corsette clearly defines element 42 as a discharge passage and element 43 as the discharge orifice (see col. 4, lines 16-20).

Despite the Examiner's interpretation that Corsette's discharge passage 42 corresponds to the claimed dispensing orifice (45), Corsette does not disclose that its discharge passage 42 is "structurally configured to provide a spray such that the dispensing orifice (45) receives the fluid product and converts the fluid product into the spray when dispensing the fluid product," as recited in claim 1. As noted above, Applicant submits that this feature has real meaning in terms of the physical construction of the dispensing orifice (45), and thus should be given patentable weight.

Applicant also submits that there is no shutter interacting with the discharge orifice 43 of Corsette (FIG. 1), and therefore, Corsette does not disclose "a shutter (38) interacting with said dispensing orifice (45), said shutter (38) being movable and/or deformable between a closed position of the dispensing orifice (45) and an open position of the dispensing orifice (45)," as recited in claim 1.

In view of the above, Applicant submits that Corsette does not disclose "a shutter (38) interacting with said dispensing orifice (45), said shutter (38) being movable and/or deformable between a closed position of the dispensing orifice (45) and an open position of the dispensing orifice (45)..., and wherein the dispensing orifice (45) is structurally configured to provide a spray such that the dispensing orifice (45) receives the fluid product and converts the fluid product into the spray when dispensing the fluid product," as recited in claim 1.

Applicant submits that claim 1 is patentable for at least the above reasons.

IV. Claim Rejections - 35 U.S.C. § 103

In view of Corsette and Crosnier

Claims 4, 10, 11, 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Corsette in view of Crosnier et al. (US 7,014,069, hereinafter “Crosnier”). However, Crosnier fails to make up the deficiencies of Corsette with respect to claim 1. Thus, Applicant submits that claims 4, 10, 11 and 13 are patentable at least by virtue of their respective dependencies.

In view of Corsette, Crosnier and Mbony

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Corsette in view of Crosnier as applied to claim 11, and further in view of Mbonyumuhire (US 7,182,226, hereinafter “Mbony”). However, claim 12 has been canceled. Accordingly, Applicant submits the rejection is moot and respectfully requests the Examiner to withdraw the objection.

V. New Claim

By this Amendment, Applicant has added new claim 20 to recite additional features which are not taught or suggested by the prior art of record. Applicant submits that claim 20 is allowable by virtue of its dependency on claim 1, and for additional novel features recited therein.

For example, Examiner asserts that the discharge passage 42 of Corsette corresponds to the claimed dispensing orifice. However, the discharge passage 42 is clearly not “disposed at a distal end of the dispensing head (40) such that the fluid product is immediately dispensed from the dispensing head (40) to an outside of the pump after passing through the dispensing orifice (45),” as recited in claim 20 (see Corsette: FIG. 1). Accordingly, Applicant submits that claim 20 is patentable for at least this reason.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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